REMARKS

This Amendment is in follow-up to the October 28, 2009 Examiner Interview and responsive to the July 1, 2009 Office Action. Claims 1, 3, 6, and 24 are amended, no claims are canceled or added; as a result, claims 1-16, 24-28, and 30 are now pending in this application.

Examiner Interview

The Applicants would like to thank Examiner Kaveh Abrishankar for the courtesy of a phone interview conducted on October 28, 2009 between the Examiner and the Applicant's representative, Jim H. Salter. The outstanding Office Action and the pending claims were discussed in the interview. This Amendment is in follow-up to the Examiner Interview and responsive to the July 1, 2009 Office Action. In the Office Action, the Examiner indicated that claims 3, 6-7, and 12-15 could be allowable if the Applicant submitted an amendment that included elements of these claims into the pending independent claims. The amended claims presented herein comport with the Examiner's suggestion. Therefore, the Applicants respectfully request entry of the amended claims and allowance of the pending claims.

Priority

The Applicants' claim for the benefit of priority based on an application filed in Great Britain on February 4, 2005 having the serial number GB 0502367.6 was denied. The Applicants' disclaim their claim for priority based on an application filed in Great Britain on February 4, 2005 having the serial number GB 0502367.6. All other priority claims remain intact.

Double Patenting Rejection

Claims 1 and 24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 18 of copending Application No. 11/715,144 in view of G@M3FR3@K, "What is Raw," posted May 1, 2001, pages 1-3. The Applicants intend to timely file a terminal disclaimer to obviate the nonstatutory obviousness-

type double patenting rejection. As such, the Applicants respectfully request withdrawal of the nonstatutory obviousness-type double patenting rejection.

§ *103 Rejection of the Claims*

Claims 1-2, 4-5, 8-11, 16, 24-28, and 30 are rejected under 35 U.S.C. §103(a) as being obvious over Guglielmino (U.S. 4,584,641).

The outstanding Office Action and the pending claims were discussed in the above-referenced Examiner interview. This Amendment is in follow-up to the Examiner Interview and responsive to the §103(a) rejections asserted in the July 1, 2009 Office Action. In the Office Action, the Examiner indicated that claims 3, 6-7, and 12-15 could be allowable if the Applicant submitted an amendment that included elements of these claims into the pending independent claims. The amended claims presented herein comport with the Examiner's suggestion. Therefore, the Applicants respectfully request entry of the amended claims and allowance of the pending claims.

The pending claims are patentable over Guglielmino. As clearly described in Guglielmino, a means for copy protecting disks is described. In contrast, the presently claimed embodiments are explicitly directed towards a method and apparatus for copying a copy protected optical disc. In other words, Guglielmino is a <u>copy protection</u> technology. The presently claimed embodiments explicitly claim a <u>copy protection defeat</u> technology. Further, Guglielmino describes a technique that requires a permanent physical error to be applied to a target disk. The presently claimed embodiments do not require a physical modification to a copy disk. Given the completely different purpose and focus of the presently claimed embodiments as compared with Guglielmino, the differences in implementation as captured in the pending claim language are apparent. In particular, amended claims 1 and 24 include, "mapping the navigation paths to identify regions of the data area which are not accessed by the navigation paths." Guglielmino does not describe or suggest the claimed mapping of navigation paths. Guglielmino does describe a process of locating the track and sector where the permanent input/output error [is] positioned on the target disk (e.g. see Guglielmino, col. 2, lines 60-64). However, this process is described in Guglielmino as reading each track and sector location, not mapping the navigation paths as claimed.

Further, amended claims 1 and 24 include, "storing arbitrary data into any regions of the corresponding data area which correspond to any region identified as not accessed by the navigation paths." Guglielmino does not describe or suggest such storing of arbitrary data into any regions of the corresponding data area which correspond to any region identified as not accessed by the navigation paths. The Office Action apparently interprets the claimed, "at least one region of the content which contains subversive data" as the permanent input/output error described in Guglielmino (see Office Action, pg. 7). However, this interpretation fails to cover the claimed embodiments, because no data can be stored in the permanent input/output error locations described in Guglielmino. Additionally, the permanent input/output error locations on the target disk described in Guglielmino are merely used to determine if a target disk is a legitimate copy disk. Guglielmino attempts to write information to the permanent input/output error locations on the target disk. If the attempted write is successful, the target disk is determined to be an illegitimate copy disk (see Guglielmino, col. 3, line 65 to col. 4, line 25). However, there is no description or suggestion in Guglielmino of storing arbitrary data into any regions of the corresponding data area which correspond to any region identified as not accessed by the navigation paths.

Finally, there is no disclosure or inherency based on Guglielmino to suggest that when making a copy of a target disk, the user software program is stored in the corresponding tracks and sectors on the copied or pirated disk while blank data is stored in tracks and sectors corresponding to permanent input/out errors, and including arbitrary data in any regions of the corresponding data area which correspond to regions containing subversive data. There is no disclosure or inherency based on Guglielmino to suggest that track and sector locations containing permanent input/output errors are replaced on the copied or pirated disk with blank data. There is no disclosure or inherency based on Guglielmino to suggest that the arbitrary data included in the regions of the data area are sectors of zero because blank sectors on a disk are read by a computer as zeroes. These and others of the inherency assertions made in the Office Action are not supported by the art of record and not supported by evidence or scientific reasoning to establish the reasonableness of the Examiner's belief that the functional limitation is an inherent characteristic of the prior art. Moreover, the alleged inherent limitations are inconsistent with the operation and function of the implementations described in Guglielmino.

AMENDMENT AND RESPONSE UNDER 37 C.F.R § 1.111
Serial Number: 10/585,967
Filing Date: July 12, 2006
Title: Defeat of the copy protection of optical discs

Page 11
Dkt: 2147.020US1

Thus, there can be no teaching or suggestion in Guglielmino of storing arbitrary data into any regions of the corresponding data area which correspond to any region identified as not accessed by the navigation paths.

Thus, Guglielmino in combination with alleged inherent teachings does not render obvious the presently claimed embodiments. The Applicants respectfully request withdrawal of the §103(a) rejection.

Allowable Subject Matter

Claims 3, 6-7, and 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As explained herein, all of the pending claims are allowable for the reasons set forth herein. The Applicants respectfully request withdrawal of all objections and rejections.

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Serial Number: 10/585,967
Filing Date: July 12, 2006
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Page 12
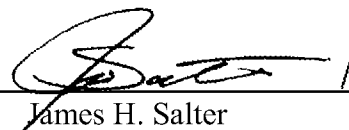Dkt: 2147.020US1

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 406-4855 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date November 2, 2009   By / ~~~~~~~~~ /

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 2nd day of November, 2009.

Kathryn Grinnell

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Name   Signature